

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

_____	§	
IN RE:	§	CASE NO. 24-10120-smr
	§	
TEXAS REIT, LLC	§	
	§	
Debtor	§	CHAPTER 11

**OBJECTION TO JUDGMENT CREDITORS' EXPEDITED MOTION FOR (I) A DETERMINATION THAT THE AUTOMATIC STAY DOES NOT APPLY TO STATE COURT CLAIMS AGAINST ALI CHOUDHRI INDIVIDUALLY OR, ALTERNATIVELY, (II) RELIEF FROM THE AUTOMATIC STAY**

TO THE HONORABLE SHAD M. ROBINSON, UNITED STATES BANKRUPTCY JUDGE:

Comes now Texas REIT, LLC (the "Debtor") in this chapter 11 case, filing this Objection to Judgment Creditors' Expedited Motion for (I) A Determination that the Automatic Stay Does Not apply to State Court Claim Against Ali Choudhri Individually or, Alternatively (II) Relief from the Automatic Stay and would show as follows:

1. Debtor does not have sufficient time to evaluate the Motion and requests that the Court delay consideration of the Motion.
2. Any claims to pierce the corporate veil or assert alter ego are property of the bankruptcy estate.
3. Movants have taken inconsistent positions with respect to whether the stay applies. In one of the State Court actions which Movants seek to continue, Movants filed a Suggestion of Bankruptcy with the Texas Supreme Court to delay consideration of the matter. A copy of the Suggestion is attached hereto.
4. Movant Osama Abdulatif has a presently pending adversary proceeding seeking to pierce the corporate veil of Debtor in Adv. No. 23-3141 pending in the U.S. Bankruptcy Court

for the Southern District of Texas. Judge Norman severed out the claims against Texas REIT, LLC. However, Movant's counsel inexplicably told Judge Marvin Isgur that this Court had previously lifted the automatic stay to allow them to proceed. See attached transcript, p. 29, l. 6.. While Movant Abdulatif has offered to withdraw his proof of claim with prejudice, he has not offered to dismiss the pending adversary proceeding claims.

5. Additionally, when Judge Isgur considered the issue, he stated that if the George Lee adversary proceeding pending at Adv. No. 24-1039 were to succeed, then the stay would apply. See Transcript, p. 30, l.6. This Court has a pending motion to dismiss the adversary proceeding under advisement.
6. Movants have made alter ego claims against Mr. Choudhri and his related entities in multiple proceedings over the years. Before the Court lifts the automatic stay, the Movants should disclose any other pending actions in which they are asserting alter ego allegations.
7. The Court should set this matter for an evidentiary hearing with sufficient time for the parties to prepare.

Respectfully Submitted,

**BARRON & NEWBURGER, P.C.**  
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(512) 649-3243  
(512) 476-9253 Facsimile

By: /s/ Stephen W. Sather  
Stephen W. Sather (SBN. 17657520)  
**ATTORNEY FOR DEBTOR**

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Objection was served by first class mail, postage prepaid and properly addressed, on December 18, 2024, to all parties listed on the attached Service List.

\_\_\_\_\_/s/Stephen W. Sather

Label Matrix for local noticing  
0542-1  
Case 24-10120-smr  
Western District of Texas  
Austin  
Fri Dec 6 14:54:45 CST 2024

Texas REIT, LLC 54  
2450 Wickersham Lane, Suite 202  
Austin, TX 78741-4744

U.S. BANKRUPTCY COURT  
903 SAN JACINTO, SUITE 322  
AUSTIN, TX 78701-2450

AGAPE  
6161 Savoy Drive Suite 500  
Houston, TX 77036-3326

Affordable Dumpster Rentals  
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Riverview, FL 33578-4324

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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
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Po Box 4622  
Houston, TX 77210-4622

(d) Harris County, et al  
P.O. Box 2848  
Houston, TX 77252

(d) Harris County, et al.  
P.O. Box 2848  
Houston, TX 77252

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San Antonio, TX 78249-3353

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Mailable recipients	49
Bypassed recipients	1
Total	50

**NO. 23-1019**

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**In the Supreme Court of Texas**

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**Texas REIT, LLC, Ali Choudhri, Dalio  
Holdings I, LLC and Dalio Holdings II, LLC,  
*Petitioners,***

**v.**

**Mokaram-Latif West Loop, Ltd. and Ali Mokaram,  
*Respondents.***

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On Appeal from the Fourteenth Court of Appeals  
Cause No. 14-23-00694-CV

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**NOTICE OF BANKRUPTCY**

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TO THE HONORABLE SUPREME COURT OF TEXAS:

In accordance with Texas Rule of Appellate Procedure 8.1, please take notice that Petitioner Texas REIT, LLC filed a voluntary petition seeking relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Western District of Texas on February 6, 2024. That proceeding is styled *In re Texas REIT, LLC*, No. 24-10120.

Respectfully submitted,

**Gray Reed & McGraw LLP**

/s/ William N. Drabble

William N. Drabble

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*Attorneys for Respondent Ali Mokaram*



## CERTIFICATE OF SERVICE

I certify serving a true and correct copy of this Notice of Bankruptcy in accordance with Texas Rule of Appellate Procedure 9.5 on the persons listed below on this ninth day of February, 2024.

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*Attorneys for Respondent  
Mokaram-Latif West Loop, Ltd.*

/s/ William N. Drabble

William N. Drabble

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clillie@grayreed.com  
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Filing Description: Notice of Bankruptcy  
Status as of 2/9/2024 2:12 PM CST

Associated Case Party: Texas REIT, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Andy Taylor		ataylor@andytaylorlaw.com	2/9/2024 2:07:39 PM	SENT

Associated Case Party: Ali Choudhri

Name	BarNumber	Email	TimestampSubmitted	Status
Andy Taylor		ataylor@andytaylorlaw.com	2/9/2024 2:07:39 PM	SENT

Associated Case Party: Dalio Holdings I, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Andy Taylor		ataylor@andytaylorlaw.com	2/9/2024 2:07:39 PM	SENT

Associated Case Party: Dalio Holdings II, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Andy Taylor		ataylor@andytaylorlaw.com	2/9/2024 2:07:39 PM	SENT

Associated Case Party: Mokaram-Latif West Loop, Ltd.

Name	BarNumber	Email	TimestampSubmitted	Status
Rodney Lee Drinnon	24047841	rdrinnon@mccathernlaw.com	2/9/2024 2:07:39 PM	SENT

Associated Case Party: Ali Mokaram

Name	BarNumber	Email	TimestampSubmitted	Status
William NDrabble		wdrabble@grayreed.com	2/9/2024 2:07:39 PM	SENT

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Filing Description: Notice of Bankruptcy  
Status as of 2/9/2024 2:12 PM CST

Associated Case Party: Ali Mokaram

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

MOKARAM-LATIF WEST LOOP LTD. . CASE NO. 4:24-CV-3224  
.  
PLAINTIFF, .  
.  
V. . HOUSTON, TEXAS  
.  
WEDNESDAY, NOVEMBER 13, 2024  
.  
03:08 P.M. TO 03:58 P.M.  
ALI CHOUDHRI, .  
DEFENDANT. .  
. . . . .

MOTION HEARING

BEFORE THE HONORABLE MARVIN ISGUR  
UNITED STATES BANKRUPTCY JUDGE

APPEARANCES: SEE NEXT PAGE  
ELECTRONIC RECORDING OFFICER: NOT IDENTIFIED  
CASE MANAGER: LINH THU DO  
OFFICIAL INTERPETER: NONE PRESENT

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

MOKARAM-LATIF WEST LOOP LTD.	.	CASE NO. 4:24-CV-3224
	.	CASE NO. 4:24-CV-3225
PLAINTIFF,	.	
	.	HOUSTON, TEXAS
V.	.	WEDNESDAY, NOVEMBER 13, 2024
	.	03:08 P.M. TO 03:58 P.M.
ALI CHOUDHRI,	.	
DEFENDANT.	.	
. . . . .	.	

MOTION HEARING

BEFORE THE HONORABLE MARVIN ISGUR  
UNITED STATES BANKRUPTCY JUDGE

Appearances:

<b>For the PLAINTIFF:</b>	<b>MOKARAM-LATIF</b> <i>Pro Se</i>
<b>For the DEFENDANT:</b>	<b>D. SCOTT FUNK, ESQ.</b> Gray Reed 1300 Post Oak Boulevard, Ste 2000 Houston, TX 77056
<b>For the DEFENDANT:</b>	<b>LONDON ENGLAND, ESQ.</b> Gray Reed 1601 Elm Street, Suite 4000 Dallas, TX 75201
<b>For OSAMA ABDUL LATIF:</b>	<b>T. MICHAEL BALLASES, ESQ.</b> HooverSlovacek LLP Galleria Tower II 5051 Westheimer, Suite 1200 Houston, TX 77056
<b>Transcription Service:</b>	Cheryl L. Battaglia Trinity Transcription Services 1081 Main Street Surgoinsville, TN 37873 281-782-0802

1        Houston, Texas; Wednesday, November 13, 2024; 03:08 p.m.

2                **THE COURT:** All right. Good afternoon.

3                First, let me apologize to everyone for being late  
4 today. I was in a judge's meeting and unable to exit that  
5 meeting until just now.

6                The case that we're calling is 24-3224, which is  
7 *Mokaram-Latif West Loop Limited versus Ali Choudri*. And then  
8 24-3225, which has the same basic style.

9                Calling both cases if you wish to appear on the  
10 phone, you'll need to press five, star. If you wish to appear  
11 in court, please come forward to the podium and make your  
12 appearance.

13                **(Pause in the proceeding.)**

14                **MR. FUNK:** Good afternoon, your Honor. Scott Funk  
15 and London England with Gray Reed on behalf of Ali Mokaram.

16                **THE COURT:** Thank you, Mr. Funk.

17                **(Pause in the proceeding.)**

18                **MR. BALLASES:** Michael Ballasses on behalf of Osama  
19 Abdullatif.

20                **THE COURT:** Thank you, Mr. Ballasses.

21                **(Pause in the proceeding.)**

22                **MR. CHOUDHRI:** If I may, your Honor. My lawyer's not  
23 here. I believe he may have been hospitalized. I've been  
24 calling him. He's not answering his phone.

25                I know he had a medical appointment for a post-

1 operation. And Miss Ash (phonetic), who's here, went to his  
2 house as well. And he's not — he's not home. And I —

3 **THE COURT:** All right.

4 **MR. CHOUDHRI:** — understand that there's a motion  
5 for a continuance that was filed by him.

6 **THE COURT:** I — I granted the motion what he filed.

7 Let me see who else is making an appearance. Do we  
8 have anyone on the phone making an appearance?

9 **(No response.)**

10 **THE COURT:** All right.

11 **(Pause in the proceeding.)**

12 **THE COURT:** So the fact that he had a doctor's  
13 appointment, he also had a birthday party is what he told me.  
14 Doesn't mean he's in the hospital if he's not here.

15 **MR. CHOUDHRI:** Well —

16 **THE COURT:** Do we know why he's not here?

17 **MR. CHOUDHRI:** I — I have no idea, your Honor.

18 I've — Miss Ash who's here, and she knows him. And she's  
19 worked with him. She's been to his house today and he's not  
20 answering the phone call.

21 He was in the hospital for — for a surgery before he  
22 had a fall. I believe that's what it was. And — and he had  
23 filed a motion. And I believe your Honor did grant it from 11  
24 a.m. to 3 p.m.

25 **THE COURT:** Right. He said he had a follow-up

1 doctor's appointment this morning and a birthday party this  
2 morning.

3 **MR. CHOUDHRI:** Yeah. I saw that.

4 **THE COURT:** So — and I granted that motion.

5 Let me hear from the — the movants here.

6 **(Pause in the proceeding.)**

7 **MR. FUNK:** I think, your Honor, to say that we're  
8 suspicious about the circumstance would be an understatement  
9 after having 23 of these similar last minute things like this  
10 for 12 years now. So we're opposed to any further  
11 continuances. It's been two days, two weeks, two months, and  
12 here we are 12 years later still litigating. So just it adds  
13 up.

14 Each time it costs a great deal of money and great  
15 deal of time for people to come down. We've had, I think, 20  
16 of these this year alone.

17 So we're — we're opposed.

18 **THE COURT:** What's the emergency?

19 **MR. FUNK:** Your Honor, I can't represent to you  
20 that's something that's going to happen next week, but I can't  
21 tell you now that it's not happened.

22 I will show you this. It's circumstantial evidence  
23 of — from the — in the State Court proceeding, Mr. Choudhri  
24 has represented to the Court through his network out there and  
25 through experts what his assets are.



1           A great deal of them are missing. And we can present  
2 that to you. There's been sale proceeds in the last few years  
3 of almost \$40 million that can't be accounted for. We can  
4 present to you net worth statements that he has given to  
5 lenders in the hundreds of millions of dollars, positive net  
6 worth where he had a claim today, no explanation of where the  
7 assets went or why there's a penalty.

8           We can show you bank statements where he his mother  
9 share bank statements where millions of dollars are transferred  
10 and floated.

11           We have, because of the procedural status of the  
12 State Court case, as you see from the papers, these are both  
13 removals, post-judgment, actually on the morning of the hearing  
14 where we're asking Judge Wilson to appoint a receiver for  
15 collection with a net worth, negative net worth, affidavits  
16 were filed.

17           We have — and at that point, under State law, the  
18 collection efforts get suspended. So our view towards his  
19 current assets, transfer of assets, the status of those assets  
20 is somewhat blocked. We have some documents we can present to  
21 your Honor showing these millions of dollars in missing assets  
22 that haven't been reported in State Court. And we'd just ask  
23 your Honor to consider, well, let me back up, Judge, if you  
24 will indulge me just a little. Because this is fairly  
25 complicated long history.

1 But, I don't want to go into too much detail with  
2 you. But I can show you and present to you evidence showing  
3 you the extraordinary bad faith in which these net worth  
4 affidavits were filed, including these net worth affidavits and  
5 missing documents and the like, and how that suspends the State  
6 Court efforts.

7 I can show you that pattern of the delay of this  
8 hearing that's supposed to be heard promptly in State Court.  
9 We're 11 months forward after January still trying to get it  
10 heard with another month of removal.

11 And I would ask your Honor to consider why. Why  
12 would a man do that? He's trying to prevent collection. And  
13 this history of transferring assets, stealing assets, the  
14 underlying judgment in my client's case is a fraud judgment  
15 from stealing assets from the commonly-owned company.

16 With this pattern and this history, and these lies to  
17 the Court, with these assets have been transferred into monies,  
18 I ask why are these constant delays? What else is happening?

19 Your Honor, in the Bankruptcy Court in the Western  
20 District of Texas for Texas REIT, that's one of the companies  
21 that Mr. Choudhri owns part of. It's the company that my  
22 client owns a part of that was the underlying cause of this  
23 litigation.

24 There's two major properties that are subject to that  
25 bankruptcy, at what used to be a Walgreens in a strip center on

1 Westheimer. They're contiguous properties. And Judge Robinson  
2 (phonetic) has approved the sale of both of those properties.  
3 Their sales were eminent.

4 The value, there's two valuations. There's value of  
5 one, the other's value two. Value one —

6 **THE COURT:** Okay. I want to back up. What's the  
7 emergency?

8 **MR. FUNK:** Well if those properties are sold, the  
9 full proceeds are 15 —

10 **THE COURT:** What's the emergency?

11 **MR. FUNK:** Okay. And, your Honor, I can't — I can't  
12 represent to you any more than I can go through and tell you  
13 the fear that these — another \$15 million, these others assets  
14 that are missing, the cash that's missing that tomorrow or next  
15 week this could happen.

16 But the Dalio (phonetic) is the one that's the most  
17 eminent, your Honor. With Dalio I, which is a judgment that it  
18 has a — has a lien. It's the mortgage lender, the secured  
19 interest on the properties for Texas REIT.

20 I mean, it's — the net of those \$15 million  
21 proceeds, we're still stuck without being able to collect,  
22 without being able to go forward without having this hearing.  
23 We can't protect ourselves properly until we can get this  
24 hearing in State Court.

25 Again, that money could be transferred, lost, and

1 gone. And it's the very purpose for which these delay tactics  
2 occurred, to buy time to move, buy, and transfer assets. It  
3 allows more time. It could happen next week. And, Judge, can  
4 I tell it will or that it is.

5 **THE COURT:** Yeah.

6 **MR. FUNK:** Don't know for sure. But partly no —  
7 through no fault of our own, this lot with some access at this  
8 point, given the procedural posture.

9 **THE COURT:** Okay. Mr. Ballasses, what's the  
10 emergency?

11 **MR. BALLASES:** Sure. So I think the emergency is  
12 that this hearing, and I'm new to this case. But this hearing  
13 has been on tap for 11 months.

14 And at the eve, or on the day of, the hearing every  
15 time there's something that's — that happens. There's —  
16 Mr. Choudhri is sick, or his lawyer is sick, or he removes the  
17 case to Federal Court, which he — he's done in this case and  
18 was actually remanded down.

19 And then on the eve of the hearing we're supposed to  
20 have last week or the week before, he removed it again. And  
21 despite the fact that he had already done that and it had been  
22 sent back.

23 And so, I think the emergency is two-fold. One, that  
24 he's somehow managed to delay this for 11 months. Two, he's  
25 already tried to remove it to Federal Court and had it

1 remanded.

2 And I think three, the — the — the reason he's  
3 delaying it, is because, again, he wants to engage in more  
4 fraudulent transfers incurring collection of judgments.

5 And so, you know, I — I think that is the basis for  
6 the emergency. And I think, you know, ultimately what we'd  
7 request is that the Court just remands it back down to Judge  
8 Wilson and let Judge Wilson handle this business with  
9 Mr. Choudhri.

10 Thank you, Judge.

11 **THE COURT:** Okay. Thank you.

12 **MR. FUNK:** Your Honor, can I add one more thing,  
13 please?

14 **THE COURT:** Yes, sir.

15 **(Pause in the proceeding.)**

16 **MR. FUNK:** The delay tactics were so extreme in State  
17 Court, Judge Wilson entered a detailed order about if and when  
18 we wanted a another continuance, he had to do it. And he  
19 violated that order, yet again. And the Judge sanctioned him.  
20 And he sanctioned him monetary sanctions, \$11,000 had to be  
21 paid. They were paid.

22 That hasn't deterred him from filing yet another  
23 wrongful removal notice in this case. And — and I suggest  
24 here, your Honor, what he wants is time, the monetary  
25 sanctions, the other part in it, what he needs and wants his

1 time.

2 **THE COURT:** I'm not here on the —

3 **MR. FUNK:** And if your Honor doesn't address this —

4 **THE COURT:** I'm not here on the sanctions. I'm not  
5 here on sanctions.

6 **MR. FUNK:** Well —

7 **THE COURT:** I'm here on whether to remand the case.

8 **MR. FUNK:** I — I — I understand. But what I'm  
9 getting to is, if — if he's allowed to engage in these delay  
10 tactics and have that time, he's going to continue doing this.

11 If you — if you don't address it on an emergency  
12 basis, he gets what he wants. And it rewards the bad conduct,  
13 the bad faith removals, the time that he wants and needs versus  
14 all the other things that are out there.

15 So I'd just pleaded to your Honor to consider that in  
16 the big picture that it's just not appropriate to allow someone  
17 to keep doing this. And he has no good faith basis whatsoever  
18 for removal.

19 **THE COURT:** Okay. Thank you.

20 Mr. Choudhri, where's the net worth information that  
21 we required to be produced today?

22 **MR. CHOUDHRI:** Well, your Honor, the net worth —  
23 may — may I respond to?

24 **THE COURT:** I want to know where — I required at  
25 this hearing that you prove the validity of your net worth

1 affidavit, right? So where is that?

2 **MR. CHOUDHRI:** I have the thousands of pages of back-  
3 up in documents, your Honor, about my net worth. And I filed  
4 an affidavit to supersede the judgment. And your Honor has —

5 **THE COURT:** And I ask where's the back-up? Do you  
6 have the back-up here?

7 **MR. CHOUDHRI:** I have it in my computer that I  
8 have —

9 **THE COURT:** And what — what — well, I required it  
10 to be produced here. If it's in your computer, I'm not sure  
11 what that means.

12 What back-up do you have to back-up your net worth  
13 affidavit?

14 **MR. CHOUDHRI:** Your Honor, I have a lot of documents.  
15 I can put Mr. Osama Abdul's here on the stand. If I may just  
16 respond to the — their — their comments, your Honor.

17 **THE COURT:** You may in a minute.

18 Right now I want to know where — whether you  
19 complied with the order.

20 **MR. CHOUDHRI:** I filed a net worth underwrote  
21 affidavit on file, your Honor, in the State Court case.

22 **THE COURT:** I know. And I required you, as part of  
23 my order, to bring the information to prove its validity. I  
24 required you to bring that today.

25 **MR. CHOUDHRI:** I'm sorry, your Honor. I was not

1 aware of that. But I can provide that to your Honor if your  
2 Honor would allow me to —

3 **THE COURT:** So here's the order.

4 **(Pause in the proceeding.)**

5 **THE COURT:** "As part of the determination  
6 as to whether an emergency exists, Choudhri  
7 must prove the validity of his net worth  
8 affidavit referenced in the July 10<sup>th</sup> order  
9 issued by the State District Court."

10 It was clear in my order. It's part of the emergency  
11 consideration issue.

12 **MR. CHOUDHRI:** The order has been filed online, your  
13 Honor. I cannot —

14 **THE COURT:** It's not the order, it is the back-up to  
15 prove it's valid.

16 **MR. CHOUDHRI:** The — the net worth order. So, your  
17 Honor, if I may respond, please.

18 **THE COURT:** I want to know whether you have the  
19 information today, the evidence today, to prove the validity of  
20 your July 10<sup>th</sup> affidavit.

21 **MR. CHOUDHRI:** Yes, your Honor. I — I —

22 **THE COURT:** Okay.

23 **MR. CHOUDHRI:** I can prove that validity. And I can  
24 put on the evidence to — to demonstrate my net worth. And —  
25 and I'm not —



1           **THE COURT:** Okay.

2           **MR. CHOUDHRI:** Your — your Honor, if I may just  
3 respond.

4           So, your Honor, Osama Abdullatif recruited, sponsored  
5 litigation with my ex-wife. And filed this divorce action in  
6 2015, and sued multiple people. George Lee (phonetic), my mom,  
7 (indiscernible) Serena (phonetic) Yu (phonetic), many, many  
8 individuals, 32 Defendants, and filed several dozen *les*  
9 *pendenses*.

10           Four years later, we went to trial. And the Court  
11 found that I was divorced as of 2012. It was void *ab initio*.  
12 All the *les pendenses*, the fraudulent liens were voided. It  
13 was sponsored litigation.

14           I have all the evidence with me, your Honor. Number  
15 two, your Honor —

16           **THE COURT:** I thought there was a final judgment  
17 against you. Is that incorrect?

18           **MR. CHOUDHRI:** There is a final judgment that is  
19 superseded.

20           **THE COURT:** It is superseded what? By your net worth  
21 affidavit.

22           **MR. CHOUDHRI:** It is superseded by my net worth  
23 affidavit.

24           **THE COURT:** Yeah. But there was a final judgment.  
25 And that is what —

1           **MR. CHOUDHRI:** And, your Honor, there's a lot —

2           **THE COURT:** The underlying information that led to  
3 the final judgment is pretty irrelevant. I'm not an appellate  
4 court. There's a final judgment against you.

5           You've attempted to supersede it with a net worth  
6 affidavit. I required you to bring the net worth affidavit  
7 information here.

8           But why am I — why do I care about the background of  
9 a judgment that has been issued? It's the final judgment of  
10 the State Court.

11           **MR. CHOUDHRI:** No, your Honor. We're talking about  
12 two different things.

13           **THE COURT:** Okay.

14           **MR. CHOUDHRI:** What I'm trying to tell your Honor, is  
15 in your Court, this court, Galleria and West Loop Investments  
16 was in bankruptcy.

17           **THE COURT:** Right.

18           **MR. CHOUDHRI:** And there was a fraudulent lien filed  
19 by this man, a fraudulent lien on the 50 Briar Hollow Property.  
20 And then Veritex (phonetic) foreclosed. My understanding is  
21 they foreclosed on the property.

22           Osama Abdullatif owns the claim of Ali Mokaram.  
23 There's a — there's an agreement where all of Mr. Funk's fees  
24 are paid by Osama. They filed a proof of claim in the Western  
25 District claiming all my entities, including my mom and Texas

1 REIT, and all these entities are all alter egos of me. And my  
2 mom is an alter ego. And Texas REIT is an alter ego.

3 There's — there's been several bankruptcy filings  
4 because of this — this tactics that they've — they've —  
5 they — they've put on me and my family and made me — your  
6 Honor, on May 31, I came, your Honor, I was in Court or on  
7 the — on the phone.

8 And on June the 2<sup>nd</sup>, I had a stroke. He's filed  
9 fraudulent liens on all my properties. First, he did it  
10 through the fake, false pro-divorce action.

11 Finally, Greg Acosta (phonetic) was able to go to the  
12 Court of Appeals and affirm the judgment. And they're  
13 appealing it again to the Supreme Court. They filed — they  
14 sued 32 companies, including Serena, your — your next door  
15 neighbor.

16 This is what they've done in the past. And they  
17 continue to do it. George Lee —

18 **THE COURT:** Just —

19 **MR. CHOUDHRI:** George Lee —

20 **THE COURT:** I — I recognize Serena, who is named in  
21 the pleadings. Serena Rue — Yu was my next door neighbor  
22 roughly 15 years ago. And I haven't spoken to her since. I'm  
23 not —

24 **MR. CHOUDHRI:** I'm — I'm not asking you either.

25 **THE COURT:** Well, I'm just telling you, there's —

1 it's —

2 **MR. CHOUDHRI:** I — I just want you to —

3 **THE COURT:** I don't want to throw something out there  
4 where people hear it and it isn't accurate.

5 **MR. CHOUDHRI:** I'm not —

6 **THE COURT:** She — she owned 8 Bradfield Court. I  
7 own 9 Bradfield Court. We would — shared a fence line. And I  
8 haven't talked to her since she moved out, which is roughly 15  
9 years. So —

10 **MR. CHOUDHRI:** Your Honor, can I —

11 **THE COURT:** Let's move to something that we care  
12 about.

13 **(Pause in the proceeding.)**

14 **MR. CHOUDHRI:** What — what I mentioned, your Honor,  
15 is Omar Khawaja, John Quinlan, and Osama Abdullatif, they  
16 acquired a judgment against Jetall. And they're contending  
17 Jetall is an alter ego of Texas REIT. And they filed a proof  
18 of claim in Judge Robinson's court in the Western District.

19 I have the proof of claim. They're claiming all my  
20 entities are alter ego, meaning all of the liabilities of  
21 those — that — that Debtor is a liability of me.

22 I cannot even determine my net worth without that  
23 being adjudicated about. Because when they're claiming that I  
24 have the — the —

25 **THE COURT:** Why can't the State Court adjudicate the

1 judgment?

2 **MR. CHOUDHRI:** They're —

3 **THE COURT:** Let's back up.

4 **MR. CHOUDHRI:** Your — your Honor, if I may just  
5 finish.

6 **THE COURT:** I may misunderstand some basic facts.  
7 Isn't there a State Court judgment against you that  
8 is a final judgment that's finished?

9 **MR. CHOUDHRI:** That's on appeal, your Honor.

10 **THE COURT:** It's on appeal.

11 **MR. CHOUDHRI:** That's the issue.

12 **THE COURT:** But it's a final judgment.

13 **MR. CHOUDHRI:** Yes, sir. It is a final —

14 **THE COURT:** And you have the right to supersede it  
15 under Texas law under certain circumstances.

16 **MR. CHOUDHRI:** Yes, sir.

17 **THE COURT:** Okay.

18 **MR. CHOUDHRI:** Yeah.

19 **THE COURT:** And so the Court, as I understood it, the  
20 Court that issued the judgment was going to determine whether  
21 you had property superseded. And that's the hearing that  
22 doesn't take place because this gets removed.

23 Is that about right?

24 **MR. CHOUDHRI:** Your Honor, George Lee filed a alter  
25 ego lawsuit against the Debtor in the Bankruptcy —

1           **THE COURT:** Yeah. You want to talk about that.  
2 Let's start talking about what I want to talk about.

3           Am I right that the State Court entered a final  
4 judgment?

5           **MR. CHOUDHRI:** The —

6           **THE COURT:** Am I right that you tried to supersede it  
7 with a net worth affidavit? Am I right that the State Court  
8 scheduled a hearing on whether that was valid or not.

9           **MR. CHOUDHRI:** That is all 100 percent accurate, your  
10 Honor.

11          **THE COURT:** Okay.

12          **MR. CHOUDHRI:** The — the Bankruptcy Court, there was  
13 not a response filed to the remand when the proof of claim by  
14 Osama Abdullatiff, and John Quinlan, and Omar Khawaja was  
15 filed.

16               Omar Khawaja and Osama Abdullatif had made an  
17 agreement with a former wife that whatever she — they collect,  
18 or she collects, they split it. They pay all the legal fees.

19               It's sponsored litigation. They've now sued my mom.  
20 They've — George Lee has filed a lawsuit in the Western  
21 Bankruptcy District against Texas REIT and myself, claiming I'm  
22 an alter ego.

23               They filed a proof of claim in the Western Bankruptcy  
24 District. And they attempted to withdraw it. Judge Robinson  
25 would not allow them to withdraw because he was not — he felt

1 it was suspicious. He wasn't sure if it was done in good  
2 faith.

3 They filed *les pendenses* on those properties, which  
4 is why all these properties have been going — they filed  
5 fraudulent liens, not even *les pendenses*, your Honor.

6 In the 50 Briar Hollow case, Osama's claimed he filed  
7 an affidavit of lien in the real property records saying 50  
8 Briar Hollow is an alter ego of me. And that entity — that  
9 property could not be sold. And that entity went into  
10 bankruptcy and the property was lost.

11 This is their focus. I cannot even determine the net  
12 worth without determining the allegations of alter ego.  
13 Because in the Bankruptcy Court, I have to — my mom, all these  
14 other entities, I personally have to go and say these are  
15 contingent liabilities.

16 Because all of the liabilities of these entities that  
17 are in bankruptcy because of him. This man has sued my father,  
18 who's passed away. He sued my mom. He sued my sister, who's a  
19 physician. He's sued her partners.

20 There's a — there's a big history that if the facts  
21 come out, your Honor, you will — you'll understand. Just  
22 recently, there is a — there's a order of disqualification for  
23 Jackson Walker in Pillsbury, the co-counsel — and co-counsel,  
24 which is sitting right here.

25 HooverSlovacek also represented, and had a conflict

1 waiver that they're violating right now. Osama Abdullatif had  
2 a woman — a man working for me, a guy named Chris Wyatt  
3 (phonetic) who is — was a sponsor — was a — sponsored by him  
4 collecting my documents as my paralegal, but really working for  
5 him. And I have evidence of that.

6 **THE COURT:** So tell — I'm missing the point.

7 Why can't the State District Court that issued the  
8 judgment decide whether the judgment is superseded or not?

9 **MR. CHOUDHRI:** It — it just cannot because there's a  
10 gateway issue about the alter ego accusation.

11 They availed themselves to the jurisdiction of the  
12 Bankruptcy Court. I did not. I did not make the claims that  
13 all my entities are alter ego. They did.

14 So when they file the proof of claim in the  
15 Bankruptcy Court in the Western District, claiming that all my  
16 entities, that Texas REIT doesn't — that Texas REIT, LLC is in  
17 bankruptcy.

18 In addition to that, Osama Abdullatif has entered  
19 into a joint venture agreement with George Lee. George Lee's  
20 filed an adversary right here, your Honor, against me and Texas  
21 REIT claiming it's an alter. Cannot determine the net worth  
22 until it is determined what — what if the alter ego, if — if  
23 those alter ego claims.

24 They have to be first — that — that's the gateway.  
25 I mean, that's the problem that they put me in this conundrum.



1 Their goal is to put me out of business. And I'm not running  
2 away from anything, your Honor.

3 I want everything to be decided in one place. And  
4 it's already in that place that they signed under oath. This  
5 is a proof of claim, your Honor, that — that Osama Abdullatif  
6 has filed. And this is also a, if I could hand this to, your  
7 Honor.

8 **THE COURT:** Yeah. I'll take it.

9 **MR. CHOUDHRI:** This is also a notice of abstract  
10 judgment. And if you look at the signature page on there, it's  
11 signed under oath by Osama Abdullatif.

12 **THE COURT:** Okay. If you want me to read, just let  
13 me read it.

14 **MR. CHOUDHRI:** Yeah.

15 **THE COURT:** What I've been handed is a notice of  
16 abstracted judgment with a recordation stamp of February 15<sup>th</sup>  
17 of 2020, RP 202452182, referencing Case 2012-27197A. It's a  
18 Notice of Abstracts of Judgment. And I'll read it now.

19 **(Court reading.)**

20 **(Pause in the proceeding.)**

21 **THE COURT:** I've read the Abstract of Judgment. Now  
22 what do you want me to take from that?

23 **MR. CHOUDHRI:** Your Honor, if you look where it says  
24 he contends that Galleria West Loop Investments is an alter ego  
25 of Ali Choudri. And he's attached the legal description of the

1 property, 3.1 acres, which is the 50 Briar Hollow property.

2 So he fraudulently filed a lien on that property,  
3 preventing that property from being sold and refinanced. That  
4 entity ended up filing bankruptcy, Galleria West Loop  
5 Investments.

6 And — and then that — that property's not — not —  
7 not there anymore. That is a recent occurrence. There are  
8 additional recent occurrences where Osama Abdullatif has  
9 sued —

10 **THE COURT:** What does this —

11 **MR. CHOUDHRI:** — South.

12 **THE COURT:** This is ten months ago, sorry nine months  
13 ago when we're talking about recent. This is nine-month-old  
14 abstract.

15 **MR. CHOUDHRI:** In the last — yes, your Honor, if I  
16 may.

17 **THE COURT:** Uh-huh.

18 **MR. CHOUDHRI:** And this helps, your Honor.

19 This is an adversary complaint.

20 **(Pause in the proceeding.)**

21 **THE COURT:** I've been handed an Adversary Complaint  
22 filed in *Adversary Proceeding 24-01039* in the Western District  
23 of Texas. This was a filing made on July 10<sup>th</sup> of 2024. Let me  
24 read this.

25 **(Court reading.)**

1           **(Pause in the proceeding.)**

2           **MR. CHOUDHRI:** And I just wanted to mention, your  
3 Honor, that Serena —

4           **THE COURT:** So now tell me, where is the pleading in  
5 State Court, and the other side can tell me this if they want,  
6 that was the subject of the hearing that didn't occur because  
7 of the removal?

8           What — who was that against? Who was the named  
9 Defendant.

10          **MR. CHOUDHRI:** Ali Choudhri, myself, and Texas REIT.

11          **THE COURT:** And who's in bankruptcy in —

12          **MR. CHOUDHRI:** Texas REIT is in bankruptcy.

13          **THE COURT:** Okay. And are they trying to proceed  
14 with a hearing against Texas REIT?

15          **MR. CHOUDHRI:** That is one of — that is —there —  
16 in fairness, there's two cases, your Honor. There's a 2012 A  
17 case and a 2012 D case.

18               It's from the 2012, which goes back to the Bealle  
19 (phonetic) Bank dispute between Mr. Latif and I. The 2012 A  
20 case has just me in it.

21          **THE COURT:** Okay.

22          **MR. CHOUDHRI:** Individually. And the 2012 D case has  
23 me and, I believe, Dalio, and also Texas REIT is also a named  
24 party in that case.

25          **THE COURT:** So you're saying Texas REIT is a

1 Defendant in the D case or not a Debtor in the D case?

2 **MR. CHOUDHRI:** Yes, sir.

3 **THE COURT:** Okay. Can I see the D case, then?

4 **MR. CHOUDHRI:** Yes, sir.

5 **THE COURT:** Where do I see documents from the D case?

6 **MR. CHOUDHRI:** It's going to be on the Harris County

7 District —

8 **THE COURT:** Does anyone have a document here on the D  
9 case? And can we — has the stay been lifted in the D case?

10 I'm sorry, has the stay been lifted in the Texas REIT case to  
11 allow the State Court action to proceed in the D case?

12 **MR. CHOUDHRI:** May — may I hand this document to  
13 your Honor?

14 **THE COURT:** Yeah.

15 **(Pause in the proceeding.)**

16 **MR. CHOUDHRI:** This is a proof of claim in that case  
17 filed by Osama Abdullatif.

18 This is a claim objection that — that — that I  
19 filed against them where they're claiming it's an alter ego.  
20 This is a — an order superseding for several million dollars  
21 in cash for that — for one of the judgments they're attempting  
22 to collect that's fully superseded. And —

23 **THE COURT:** But I'm trying to understand right now —

24 **MR. CHOUDHRI:** Yes, your Honor.

25 **THE COURT:** — my — my questions are simpler, which

1 is, if the Debtor is a Debtor. And the lawsuit is against the  
2 Debtor. And there is a stay against proceeding, I don't know  
3 why we're here at all. That's why I need to get a more basic  
4 understanding.

5 **MR. CHOUDHRI:** I believe it was something about  
6 they're a nominal party is what I heard.

7 **THE COURT:** Well, I mean —

8 **MR. CHOUDHRI:** I heard somebody saying that. So I  
9 don't know what that means.

10 **THE COURT:** Okay. Let me see some pleadings from the  
11 D case to understand whether the Debtor is a Debtor. Counsel?

12 **MR. FUNK:** May — May I, your Honor.

13 **THE COURT:** Yes, sir. Please.

14 **(Pause in the proceeding.)**

15 **MR. FUNK:** The final judgment in the D case.

16 **MS. ENGLAND:** That's docketed at Debtor Exhibit M.

17 **THE COURT:** Okay. So the judgment in the D case.

18 Let me read it.

19 **(Pause in the proceeding.)**

20 **THE COURT:** So it appears that, if you need this I'll  
21 hand it back to you, that the judgement does not include the  
22 Debtor. The Debtor is not a judgment Debtor; is that right?

23 **MR. CHOUDHRI:** My understanding is that Texas REIT is  
24 a party in that case.

25 **THE COURT:** Well, we're post judgment.

1           **MR. CHOUDHRI:** Right.

2           **THE COURT:** Are they a judgment Debtor?

3           **MR. CHOUDHRI:** I don't know.

4           **THE COURT:** Pardon me?

5           **MR. CHOUDHRI:** I — I don't know. I —

6           **THE COURT:** Well, that's the judgment.

7           **(Pause in the proceeding.)**

8           **THE COURT:** Why don't you go ahead and step back from  
9 the podium if you would.

10          **MR. CHOUDHRI:** May I — may I hand some —

11          **THE COURT:** Why — yeah, why don't you go ahead and  
12 take that with you and step back from the podium.

13               If they're not a judgment Debtor, then they're — I  
14 don't know what the argument is.

15          **(Pause in the proceeding.)**

16          **MR. CHOUDHRI:** Well, your Honor, my understanding is  
17 that they are Khawaja Omar, Osama Abdullatif, John Quinlan, and  
18 Omar Khawaja are claiming that I'm an alter ego. And  
19 technically, the Debtor is an alter ego of me.

20               And that has to be determined in the adversary that's  
21 filed in the Western District by George Lee. And they filed a  
22 proof of claim in that case, the proof of claim that's signed  
23 by Osama Abdullatif.

24          **THE COURT:** That's not the way I read the last two.  
25 Let me read it again. I read that it's saying that you are

1 liable for their debts, not that they are liable for your  
2 debts.

3 Let me read it again.

4 **(Pause in the proceeding.)**

5 **MR. CHOUDHRI:** I have a deposition —

6 **THE COURT:** Here's the adversary —

7 **MR. CHOUDHRI:** — your Honor, if —

8 **THE COURT:** Here's the adversary complaint. I want  
9 to see what the document says. This is what you handed me.

10 **(Pause in the proceeding.)**

11 **MR. CHOUDHRI:** Here is a proof of claim by Osama  
12 Abdullatif as well, what I handed you.

13 **(Court reading.)**

14 **(Pause in the proceeding.)**

15 **THE COURT:** What is the current status of the  
16 adversary proceeding?

17 **MR. CHOUDHRI:** It's pending, your Honor, in the  
18 Western Southern Bankruptcy District. There's also a  
19 hearing —

20 **THE COURT:** You said in the Western Southern  
21 Bankruptcy District.

22 **MR. CHOUDHRI:** Sorry. I'm so sorry.

23 **THE COURT:** That's okay.

24 **MR. CHOUDHRI:** I'm really nervous. Sorry.

25 It's in the Western Bankruptcy Court, Judge Jack

1 Robinson in the —

2 **THE COURT:** Okay.

3 **MR. CHOUDHRI:** — Western District. It is pending in  
4 that case, your Honor. And the — their proof of claim, and  
5 there's a hearing in December on the — the proof of claim  
6 where they're alleging — where Osama Abdullatif is alleging  
7 Texas REIT's liabilities are my liabilities. And my  
8 liabilities are Texas REIT's liabilities, that we're basically  
9 all one. And that meant my liabilities could be a lot — a lot  
10 more.

11 **THE COURT:** So your liabilities have been liquidated  
12 at this point, right? As to the State Court case. We know  
13 what the judgment is.

14 **(Pause in the proceeding.)**

15 **THE COURT:** What is the status of the State Court —  
16 of the bankruptcy adversary?

17 **MR. BALLASES:** So, I — I can answer that, Judge, if  
18 you'd like me to come there.

19 **THE COURT:** Please.

20 **MR. BALLASES:** So, we originally filed, you know,  
21 like we originally filed the — Mr. Choudhri actually filed on  
22 a judgment for a multi-million dollars was taken against HREP,  
23 Houston Real Estate Properties, in State Court.

24 He filed a bankruptcy proceeding, which was in front  
25 of Judge Norman. As that case progressed, myself, and John



1 Quinlan, and Omar Khawaja, and Osama Abdullatif filed an  
2 adversary proceeding in that case, who alleged this alter ego  
3 and fraudulent transfer case.

4 One of the Defendants that we allege is an alter ego  
5 of HREP is — is Texas REIT. Texas REIT was not in bankruptcy  
6 when we filed that claim.

7 **THE COURT:** Yeah. Why don't you answer my question.

8 **MR. BALLASES:** Sure.

9 **THE COURT:** What is the status of the adversary  
10 proceeding filed — *Adversary Proceeding 24-1039* in the Western  
11 District of Texas. What's its status?

12 **MR. BALLASES:** So we filed a proof of claim. We  
13 learned that there are insufficient assets to pay our — pay  
14 our debt. And so we had seeked to remove. And Judge Robinson  
15 is having a hearing on it.

16 **THE COURT:** Now —

17 **MR. CHOUDHRI:** Your Honor —

18 **MR. BALLASES:** I can't speak beyond that.

19 **THE COURT:** What is the status of the adversary  
20 proceeding? It is open? Closed?

21 **MR. BALLASES:** It's open.

22 **THE COURT:** Judgment? No Judgment.

23 **MR. CHOUDHRI:** It's open.

24 **MR. BALLASES:** Yeah. It is open.

25 **THE COURT:** Okay. So, has the stay been lifted to

1 allow you to proceed in State Court?

2 **MR. BALLASES:** We are not proceeding in State Court  
3 with Texas REIT.

4 **THE COURT:** Has the stay been lifted to allow you to  
5 proceed in State Court?

6 **MR. BALLASES:** Yes. Judge Robinson lifted the say  
7 for us to proceed against Texas REIT in our adversary  
8 proceeding in front of Judge Norman.

9 **THE COURT:** Has the stay been lifted to allow you to  
10 proceed in the State Court proceeding that is the subject of  
11 the removal and the remand?

12 **MR. BALLASES:** Texas REIT is not a judgment  
13 (indiscernible.)

14 **THE COURT:** Answer my question. You're — this is  
15 just as frustrating talking to you as — as other people.

16 Has the stay been lifted by the Bankruptcy Court to  
17 allow the removed State Court action to proceed in State Court?  
18 Yes or no?

19 **(Pause in the proceeding.)**

20 **MR. BALLASES:** I am unaware of that.

21 **THE COURT:** Okay.

22 **(Pause in the proceeding.)**

23 **THE COURT:** I'm granting the oral motion for a  
24 continuance, because I want a more organized hearing.

25 Here are the way that I believe the facts come out.

1 But I'm not going to reach a final decision right now.

2 The adversary proceeding that I've been handed up,  
3 and again, this is all preliminary, 24-10 — 120 is the case  
4 number. The adversary proceeding is 24-1039, seeks to hold in  
5 the Bankruptcy Court Texas REIT, which is the Debtor in the  
6 Bankruptcy Court, liable for Mr. Choudhri's personal debts.

7 If Mr. Choudhri is, in fact, liable, as is being  
8 alleged in this adversary proceeding, for Texas, excuse me,  
9 liable — if Texas REIT is liable for Mr. Choudhri's debts,  
10 then a liquidation, or a collection, I should say, of — from  
11 Mr. Choudhri of the debts, will diminish his available funds to  
12 pay other creditors.

13 And you don't get to step to the front of the line.  
14 The automatic stay applies. If the automatic stay applies, you  
15 can't proceed in State Court. And maybe there's some other  
16 result we're going to come to after we hear a full evidentiary  
17 record and a full presentation.

18 But doing this on an emergency basis when it appears  
19 that you may be violating the automatic is something I'm not  
20 prepared to do today.

21 **MR. FUNK:** Can I address?

22 **THE COURT:** Mr. Funk, go ahead.

23 **MR. FUNK:** Your Honor, the same arguments were made  
24 when the case was removed initially. The motion to remand was  
25 filed. Judge Robinson considered the motion, granted the

1 motion, sent it back down. Judge —

2 **THE COURT:** He can send it back down. That doesn't  
3 lift the stay.

4 **MR. FUNK:** That's right. Exactly.

5 **THE COURT:** If the stay is in place, there isn't an  
6 emergency at all, because there's a stay. And I can remand it,  
7 but you can't proceed.

8 And the question that I said it to everybody I was  
9 going to do in my order. The first thing I'm going to do is  
10 figure out do we have an emergency? And if there's a stay, we  
11 don't have a emergency, because nothing can happen.

12 **MR. FUNK:** Please.

13 **THE COURT:** Go ahead.

14 **MR. FUNK:** Indulge me, your Honor.

15 I — I — let me get to the part. After that, a  
16 motion to reconsider the decision was filed.

17 **THE COURT:** Right.

18 **MR. FUNK:** All of these arguments including the alter  
19 ego and the application of the stay, were made by Mr. Choudhri  
20 to Judge Robinson.

21 He ruled on those arguments, including the alter ego  
22 arguments. And again denied the motion to reconsider. I've  
23 got the — the order is under *Cause Number 24-1047*. It's  
24 Docket 36.

25 And pages three and four —

1           **THE COURT:** Has it been — has it been filed as an  
2 exhibit for this hearing?

3           **MR. FUNK:** It — it was just referenced, your Honor,  
4 because we asked you to take judicial notice of it. I don't  
5 think it was filed, was it?

6           **MS. ENGLAND:** No, it was not — it's not appended.  
7 It was —

8           **THE COURT:** Can I see it?

9           **MS. ENGLAND:** — tied in footnote seven.

10          **THE COURT:** Can I see it?

11          **MS. ENGLAND:** I don't have a printed copy. I've got  
12 it on my laptop.

13          **THE COURT:** I'll look at it on your laptop.

14          **MR. CHOUDHRI:** Your Honor, may I respond? There  
15 again, I don't want to —

16          **THE COURT:** Sure.

17          **MR. CHOUDHRI:** — conflate the issue, right?

18                 In June — in June, Osama Abdullatif filed a proof of  
19 claim in the Western District. There was a claim objection  
20 made.

21                 Mr. Ballasses and Osama Abdul attempted to withdraw  
22 that. Judge Robinson said no. At that point in time, the  
23 State Court case before this George Lee and the new case was  
24 filed, the — the case was removed from the State Court.

25                 Osama Abdullatif, and George Lee, and Serena Yu are

1 working together. I have the evidence of that. That adversary  
2 was filed. The judge did not — there was no response to  
3 the — to the motion to remand.

4 There was no response because had it —

5 **THE COURT:** Yeah.

6 **MR. CHOUDHRI:** — there was no lawyer who was  
7 licensed in the Western District, didn't file a response to the  
8 remand.

9 **THE COURT:** So —

10 **MR. CHOUDHRI:** That was limited to —

11 **THE COURT:** So —

12 **MR. CHOUDHRI:** — the proof of claim.

13 **THE COURT:** Is there a reason why you don't want —

14 **MR. CHOUDHRI:** Not —

15 **THE COURT:** — me to see the transcript or the  
16 findings? That's what I'd like to do.

17 **MR. CHOUDHRI:** No, sir. No. I — I — I just wanted  
18 to mention.

19 **THE COURT:** See what the judge said.

20 So go ahead and plug it into the —

21 **MS. ENGLAND:** May I approach?

22 **THE COURT:** There's a — no. I'm want you — I'm not  
23 going to touch your computer. Plug it in or —

24 **MS. ENGLAND:** I'm sorry. It's not plugged in.

25 **THE COURT:** — dial in to GoToMeeting, one or the

1 other.

2 (Pause in the proceeding.)

3 MR. BALLASES: The specifics —

4 THE COURT: Let's wait. I want to see what you told  
5 me I was going to see.

6 MR. BALLASES: But not, I — I can —

7 THE COURT: Have a seat everyone. Everyone have a  
8 seat.

9 (Pause in the proceeding.)

10 THE COURT: Everyone have a seat.

11 (Pause in the proceeding.)

12 MS. ENGLAND: I'm plugged into the USB. Is there  
13 another cable?

14 THE COURT: It's not a USB. It is a, I forgot the  
15 name of those cable.

16 MR. BALLASES: HDMI.

17 THE COURT: HDMI cable. Yeah.

18 (Voices speaking off the record.)

19 THE COURT: It should be in the front. Look in the  
20 front door for an HDMI cable.

21 MR. FUNK: While she's doing that, (indiscernible) a  
22 copy of the order?

23 THE COURT: No. I'm not going to do anything else.

24 MR. FUNK: Okay.

25 THE COURT: I want to do these in a way that I can

1 understand them.

2 (Pause in the proceeding.)

3 THE COURT: Okay. So what is your deal with the  
4 automatic stay in the November 8<sup>th</sup>, 2024 order?

5 (Pause in the proceeding.)

6 MS. ENGLAND: Your Honor, it — this order does not  
7 specifically identify either lift stay or automatic stay. It  
8 addresses the alter ego argument the Mr. Choudhri is raising.

9 (Pause in the proceeding.)

10 THE COURT: Okay. Let me see that. I'll look at  
11 that. But I want to know about the automatic stay.

12 MS. ENGLAND: I'm scrolling to page three.

13 (Pause in the proceeding.)

14 MS. ENGLAND: And beginning in the paragraph —

15 THE COURT: Okay.

16 MS. ENGLAND: — "The motion to vacate."

17 (Court reading.)

18 (Pause in the proceeding.)

19 THE COURT: Okay. Keep scrolling.

20 (Court reading.)

21 (Pause in the proceeding.)

22 THE COURT: Okay.

23 (Court reading.)

24 (Pause in the proceeding.)

25 THE COURT: Keep going.



1 (Court reading.)

2 (Pause in the proceeding.)

3 THE COURT: Keep going.

4 (Court reading.)

5 (Pause in the proceeding.)

6 THE COURT: I agree with the fact that they were a  
7 named party. Doesn't matter if we're post-judgment and they're  
8 not name in the judgment.

9 My concern is, there is a live alter ego claim  
10 brought in the Bankruptcy Court that alleges that Texas REIT  
11 isn't liable for Mr. Choudhri's debts.

12 It's my belief that if we remand this case, and maybe  
13 we should, that the automatic stay would stop you from  
14 proceeding in the case as a result of that.

15 (Pause in the proceeding.)

16 THE COURT: I may be wrong about that. I'm willing  
17 to have that dealt with and briefed. But I'm not willing to  
18 rule on an emergency basis when it appears to me that remanding  
19 the case would result in the State Court having jurisdiction  
20 over the case, subject to an automatic stay.

21 I do not see at this point anyone alleging that the  
22 Bankruptcy Court has, in fact, found the automatic stay doesn't  
23 apply. I, therefore, don't think there's an emergency, which  
24 is what I said I was going to take up first.

25 So — and if people want to respond to that, go

1 ahead. But I'm inclined to grant a short continuance so that  
2 we can understand better what is going on.

3 **MR. BALLASES:** So, Judge, just so I'm clear, cause  
4 I'm not on one issue. Are — are you referring to the  
5 adversary proceeding in the Southern District? Or the  
6 adversary proceeding in the Western District?

7 **THE COURT:** Adversary proceeding in the Texas REIT  
8 case filed in the Western District Texas specifically asks,  
9 this is Mr. Lee, who was the Plaintiff, asks the Western  
10 District Bankruptcy Court quote,

11 "To hold that Debtor, that is Texas REIT,  
12 is the — is the ego of Choudhri for the  
13 purposes of enforcement of a judgment  
14 against Choudri and in support, thereof,  
15 would respectfully show as follows."

16 So if Texas REIT is liable for Mr. Choudhri's debts,  
17 then the distribution of his assets to one group of creditors  
18 to the disadvantage to other groups of creditors, would be a  
19 violation of the automatic stay in the Texas REIT case.  
20 Because it's liable for his debts.

21 **(Pause in the proceeding.)**

22 **THE COURT:** So the stay probably applies. I'm  
23 willing to have it briefed that it doesn't. I'm not willing to  
24 decide on what amounts to two days' or three days' notice a  
25 really complicated alter ego question that controls whether

1 this is an emergency.

2 That's my worry. So, I am going to hear this  
3 quickly. If your lawyer is in — and I have no reason  
4 realistically to think he's in the hospital. He certainly  
5 didn't tell me that was a possibility in her emergency motion.

6 It's certainly a possibility when anybody gets  
7 hospitalized. If your lawyer is incapacitated, I think he's  
8 fairly new on this case.

9 How long's it going to take you to get alternate  
10 representation?

11 **(Pause in the proceeding.)**

12 **MR. CHOUDHRI:** Your Honor, he's been working on this  
13 for a few weeks. I don't know I can give you an answer  
14 relatively quickly once I reach out and find out.

15 **THE COURT:** Okay.

16 **MR. CHOUDHRI:** There's another entity, your Honor,  
17 that's also in bankruptcy that they've claimed as an alter ego.  
18 But I'll just stop talking to you.

19 **THE COURT:** You really want to make more argument  
20 right now?

21 **MR. CHOUDHRI:** No, sir. I'll stop right not.

22 **THE COURT:** I think that's a prudent move.

23 December 2<sup>nd</sup>, 9 in the morning, we're going to have a  
24 hearing on the motion to remand.

25 **MR. CHOUDHRI:** Your Honor, on December the 2<sup>nd</sup>

1 there's a hearing on the claim objection for the proof of claim  
2 that — that they filed in Judge Robinson's court. I believe  
3 it's December 2<sup>nd</sup>, schedule.

4 **MR. BALLASES:** I don't believe that's correct.

5 **THE COURT:** Let's check.

6 **MR. CHOUDHRI:** Is it — is it December the 2<sup>nd</sup>? Am I  
7 wrong?

8 Yes, your Honor. The Court has their setting for  
9 December the 2<sup>nd</sup>.

10 **THE COURT:** December 2?

11 **MR. CHOUDHRI:** December the 2<sup>nd</sup>. Yes, your Honor.  
12 *Case Number 24-10120*, which is — there is a — there is a  
13 setting in that.

14 **MR. BALLASES:** So, no. There is a hearing at either  
15 1:30 or 2:00 for Texas REIT to amended motion to sell property  
16 free and clear of liens. There's nothing to do with us. But  
17 that's at 1:30 or 2:00.

18 **MR. CHOUDHRI:** But you're objecting to that sale from  
19 going forward.

20 **MR. BALLASES:** I — I —

21 **MR. CHOUDHRI:** You filed an objection to that sale.

22 **MR. BALLASES:** I understand. We just — we're fine  
23 with this hearing taking place in the morning.

24 **THE COURT:** Yeah. Is that a video hearing or is that  
25 a personal hearing?

1           **MR. BALLASES:** That is a Zoom hearing.

2           **THE COURT:** It's a Zoom hearing. Great.

3           **MR. BALLASES:** Yes, sir.

4           **THE COURT:** We'll start a nine o'clock. Nine o'clock  
5 December second, we'll have your motion to remand.

6           **MR. BALLASES:** That's fine. And just to add one more  
7 ting so it's clear on the record. So the George Lee lawsuit  
8 has nothing to do with myself, my clients, or my co-counsel's  
9 client.

10          **THE COURT:** I don't know if that matters.

11          **MR. BALLASES:** Yeah.

12          **THE COURT:** If — we — we need to worry about  
13 whether there's an alter ego, non-frivolous allegation that  
14 might mean that the stay is involved.

15          **MR. BALLASES:** Right. And — and, of course, the  
16 judge — the two judgments we're here about having nothing to  
17 do with Texas REIT.

18          **THE COURT:** Well, we don't know that.

19                Because if Texas REIT is liable for his debts, then  
20 they may have a hell of a lot to do with Texas REIT. So you  
21 all can brief it. Briefing is due not later than November  
22 27<sup>th</sup>, which is two weeks from today on whether or not the  
23 automatic stay applies in State Court.

24                And any further briefing on the remand that you all  
25 wish to file is due on the 27<sup>th</sup>. I'm going to decide the

1 remand question before we decide whether to transfer the case  
2 over to the Western District.

3 So we will not take up the transfer motion until  
4 after we decide remand.

5 You all have a good Thanksgiving. We'll see you all  
6 on the 2<sup>nd</sup> at 9 o'clock. Thank you.

7 **MR. CHOUDHRI:** Thank you, Judge.

8 **THE COURT:** Thank you.

9 **(This proceeding was adjourned at 03:57 p.m.)**

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\* \* \* \* \*

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CERTIFICATION

14 I certify that the foregoing is a correct transcript from the  
15 electronic sound recording of the proceedings in the above-  
16 entitled matter.

17

/s/ Cheryl L. Battaglia

November 20, 2024

18

Transcriber

Date

19

4:24-CV-3224

20

11/13/2024 - 11/20/24